IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**THE HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION NO : 11245 of 2004**

Between:

Pitla Balanarasaiah S/o. Yellaiah
Bodagutta, Kannala Village Kamanpur Mandal, Karimnagar dist.

**..... PETITIONER**

AND

1. A.P. Pollution Control Board, rep. by Joint Chief Environmental Engineer,Zonal Office, Hyd.
2. Northern Power Distribution Unit of A.P. rep. by its Divisional Electrical Engineer, (Operation),Karimnagar.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction particularly one in the nature of writ of mandamus or any other appropriate writ declaring the order of the Respondent No.1 in order No. 123/PCB/TF-Hyderabad/2004 514, dt. 12.2.2004, as illegal, arbitrary an violative of Article 14 of the Constitution of India and consequently direct the Respondent No.2 to restore the power supply to the petitioner unit and pass such other order or orders.

**Counsel for the Petitioner: MR.A.SUDERSHAN REDDY**

**Counsel for the Respondents: Mr. S.V.Bhatt, SC for R-1.**

**None for Respondent No.2.**

**The Court Made the Following :**

**ORAL ORDER:**

(per The Honourable Sri Devinder Gupta, the Chief Justice)

On 12.2.2004, closure order was passed by the Respondent-Board under Section 31(A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987 directing the petitioner to stop all industrial activities with effect from the date of the order as an emergency measure. A.P.Transmission Company was also ordered to disconnect power supply to the petitioner's unit with immediate effect. Aggrieved by this order, the petitioner on 21.5.2004 filed an appeal under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981, which is stated to be pending and had not so far been heard since there is no appellate authority as of today.

Learned counsel for the petitioner submits that petitioner's appeal is not being heard and because of the delay therein, the petitioner is suffering irreparable loss, and, moreover, after passing of the closure order by the respondent-Board, petitioner has already taken up further steps by installing more devices to satisfy the standards fixed under the relevant rules thereby preventing further pollution.

Considering what has been stated by the learned counsel for the petitioner that the petitioner has, subsequent to the passing of the order dated: 12.2.2004, taken steps to arrest air pollution, we proceed to dispose of the Writ Petition with direction to the Respondent-Board to permit the petitioner to run the stone-crusher for a period of 10 days and during that period to carry out appropriate inspection and take decision in accordance with law, and, in case, it is found in the inspection that the petitioner has duly complied with the standards, the respondent-Board shall pass appropriate orders revoking the order dated: 12.2.2004. Ordered accordingly.

The Writ Petition stands disposed of. No costs.

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DEVINDER GUPTA, C.J.

8.7.2004.

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G.ROHINI, J.

VR

TO

1. The Joint Chief Environmental Engineer, A.P. Pollution Control Board, Zonal Office, Hyd.
2. The Divisional Engineer (Operation), Northern Power Distribution Unit of A.P., Karimnagar.

3. Two CD copies.